



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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B-179897

November 20, 1973

Mr. E. A. Payson, Contracting Officer
Veterans Administration Hospital
Seventh Street and Indian School Road
Phoenix, Arizona 85012

Dear Mr. Payson:

Reference is made to your letter 644/134A dated October 30, 1973, and prior correspondence, regarding a protest by Atlantic Mobile Corporation against the rejection of its bid received late under invitation for bids (IFB) No. 644-6-74.

The IFB required that bids be received at the VA Hospital in Phoenix by 10:30 a.m., September 21, 1973. The bid of Atlantic Mobile Corporation which was sent from Cockeysville, Maryland, by certified, airmail, special delivery, was not received until 9:00 a.m., September 24, 1973, and was returned unopened. Atlantic Mobile Corporation protested to you the refusal to consider the bid.

Federal Procurement Regulations (FPR) 1-2.303-3 provide that late bids sent by mail may be considered for award if:

"* * * it is determined that the lateness was due solely to a delay in the mails (based on evidence obtained pursuant to 1-2.303-3(b), (c), and (d)) for which the bidder was not responsible, * * *

"(b) Registered mail. * * *

"(c) Certified mail. The time of mailing of a late bid, mailed by certified mail for which a postmarked Receipt for Certified Mail was obtained shall be deemed to be the last minute of the date shown in the postmark on such receipt, except where (1) the Receipt for Certified Mail identifies the post office station of mailing and the bidder furnishes evidence from such station that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business

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[Protest Against Rejection of Late Bid]

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day of that station; or (2) an entry in ink on the Receipt for Certified Mail, showing the time of mailing and the initials of the postal employee receiving the item and making the entry, is appropriately verified in writing by the post office station of mailing, in which case the time of mailing shall be the time shown in the entry * * *.

"(d) Delivery time. Information concerning the normal time for mail delivery shall be obtained by the procuring activity from the postmaster, superintendent of mails, or a duly authorized representative for that purpose, of the post office serving that activity. When time permits, such information shall be obtained in writing."

Atlantic Mobile Corporation furnished a receipt for certified mail showing the time of mailing in Cockeysville, Maryland, as 10:29 a.m., September 20, 1973. The Special Delivery and Certified Mail Service in the Cockeysville, Maryland, Post Office has verified the time of mailing. The Phoenix, Arizona, Post Office, serving the procuring activity, has advised that, based on the time the bid was received in the Cockeysville, Maryland, Post Office, your office could not have received the bid on time. The letter from the Phoenix, Arizona, Post Office stated:

"Normal delivery of an airmail, special delivery, certified article if deposited into the mails in Cockeysville, Maryland, at 10:29 am on September 20 would be in the morning of September 24, 1973, since item would reach our Special Delivery Section in Phoenix approximately 5:00 pm September 21. Certified items are accountable and must be signed for at time of delivery. September 21 being a Friday, accountable mail received too late for delivery to the office on that date are held over until Monday morning. From the foregoing you will note the subject item could not have been delivered to you prior to the bid opening of 10:30 am, September 21."

In view of the foregoing, our Office concludes that no delay in the mails occurred and concurs in the rejection of the bid as a proper action.

Sincerely yours,

Paul G. Donbling

For the Comptroller General
of the United States